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RECORDATION AND ACKNOWLEDGMENTS.

V. C., SECTIONS 2500 AND 2501.

Sec. 2500. When and where writings admitted to record. Except where it is otherwise provided the court of any county or corporation (other than the city of Richmond) in which any writing is to be or may be recorded and the chancery court of the city of Richmond when any such writing is to be or may be recorded in the said city, or the clerk of any such court, in his office shall admit to record any such writing as to any person whose name is assigned thereto when it shall have been acknowledged by him or proved by two witnesses as to him in such court or before such clerk in his office, *and when such writing is signed by a person acting on behalf of another, or in any representative capacity, such acknowledgment before such court or clerk may be in accordance with the provisions of section twenty-five hundred and one.*—Code 1849, p. 371, c. 121, s. 2, 1895-6, p. 542.

Acknowledgments and proofs by writing are meant to effect precisely the same purpose; that is, to furnish such evidence of a prior execution of the deed as will authorize the recording. *Roanes* v. *Archer,* 4 Leigh, 550.

Acknowledged. A certificate of acknowledgment recited that, "at a court held for A county, February 4, 1867, this deed was produced into court, and being duly acknowledged and stamped according to law, was therefore ordered to be recorded. Teste: B. C. C." Held, that it showed that court for said county was held on day named, that the deed was produced into court, acknowledged and ordered to be recorded, and was sufficient, and though the language of the certificate was doubtful, yet as it recites due acknowledgment and shows an order for recordation, the order must be presumed to have been properly made until the contrary is shown. *Peyton* v. *Carr,* 85 Va. 456, 7 S. E. 848.

An instrument purporting to convey land, with a scroll attached

to the grantor's name, though the scroll is not recognized in the body of the instrument, will be held to be a deed where the instrument has been acknowledged in court by the grantor as his deed for the purpose of having it recorded. *Ashwell* v. *Ayres,* 4 Gratt. 283.

Proved by Witnesses. It is not necessary for subscribing witnesses to a deed to remember the transaction in order to constitute sufficient formal proof. It is sufficient if they can testify that they recognize the signature as their own. *Currie* v. *Donald,* 2 Wash. 58; *Clarke* v. *Dunnavant,* 10 Leigh, 13; 2 Min. (4 Ed.) 953; 2 Barton's C. Pr. (2 Ed.) 1025.

A deed to a married woman, which was proved for recordation by her husband as one of the witnesses to the deed, is invalid as a recorded deed. *Johnson* v. *Slater,* 11 Gratt. 321.

A person who signs a bond as surety may acknowledge the bond in court; or its execution out of court may be proved by witnesses. *Board of Supervisors* v. *Dunn,* 27 Gratt. 615; see, also, *Calwell* v. *Commonwealth,* 17 Gratt. 391.

It is not necessary that witnesses should be subscribing witnesses to a deed in order to prove same for recordation. *Turner* v. *Stip,* 1 Wash. 322.

Evidence. A deed acknowledged or proved before a court of one county which conveys land in another county, and is ordered to be certified to the court of the county in which the land lies, and upon the certificate recorded in the general court where deeds were authorized to be recorded, a duly authenticated copy of the deed recorded in the general court is admissible in evidence in the absence of the original. *Pollard* v. *Lively,* 4 Gratt. 73.

The clerk of a county or corporation court has no authority to admit to record a deed which does not convey land lying in his county or corporation, and a copy of such deed, authenticated by the clerk, is not competent evidence, in place of the original. *Id.*

Recordation Ministerial. The recordation of a deed is a ministerial act, which act a clerk of a court may be compelled to do by *mandamus.* The fact that the clerk who admitted the deed to record is trustee in the deed of trust, does not affect the validity of the recordation. *Paul* v. *Baugh,* 85 Va. 955, 9 S. E. 329. See, also, *Dawson* v. *Thurston,* 2 H. & M. 132; *Manns* v. *Givens,* 7 Leigh 689; *Randolph* v. *Stalnaker,* 13 Gratt. 523; *Carter* v. *Robinett,* 33 Gratt. 429; *Horsley* v. *Garth,* 2 Gratt. 471; *Currie* v. *Donald,* 2 Wash. 58; *Corey* v. *Moore,* 86 Va. 721, 11 S. E. 118.

Land in more than one county. A deed conveying several tracts of land lying in different counties must be recorded in each county in order to be effective as notice to purchasers for value without notice and creditors. *Horsley* v. *Garth,* 2 Gratt. 472.

Contract of Sale. In order that a memorandum of a contract of sale may be recorded, it is necessary that the contract of sale shall be acknowledged or proved as required by this section. *Callahan* v. *Young,* 90 Va. 574, 19 S. E. 163. But see sec. 2462 under which certain contracts reserving title may be recorded without acknowledgment.

What Amounts to Recording. A deed in order to be considered as recorded must be carried to the clerk and left with him for the purpose of recordation. The mere carrying the deed to the clerk's office is not sufficient to make it good as a recorded deed. *Horsley* v. *Garth,* 2 Gratt. 474. Examine *Bull* v. *Evans,* 96 Va. 1.

Sec. 2501. Certificates of acknowledgment upon which writings are admitted to record; who may take them.—Such court or clerk shall also admit any such writing to record as to any person whose name is signed thereto upon a certificate of his acknowledgment before the said clerk, or before the clerk of any court of record in this State, or before the clerk of any court without this State, but within the United States, or before a justice, a commissioner in chancery of a court of record, or a notary within the United States, or in the Philippine Islands, Porto Rico, or in any territory or other possession or dependency of the United States, written on or annexed to the same, to the following effect, to-wit:

County (or corporation of ————, to-wit: I, ————, clerk (or deputy clerk) of ———— court (or a justice of the peace, or commissioner in chancery of the ———— court, or notary public), for the county (or corporation) aforesaid, in the State (or territory or district) of ————, do certify that E. F. (or E. F and G. H., and so forth), whose name (or names) is (or are) signed to the writing above (or hereto annexed), bearing date on the ———— day of ————, has (or have) acknowledged the same before me, in my county (or corporation) aforesaid. Given under my hand this ———— day of ————.

Or upon the certificate of acknowledgment of such person before any commissioner appointed by the governor, within the United States, so written or annnexed, to the following effect, to-wit:

State (or territory or district) of ————, to-wit: I, ————, a commissioner appointed by the governor of the State of Virginia for the said State (or territory or district) of ————, certify that E. F. (or E. F. and G. H., and so forth), whose name (or names) is (or are) signed to the writing above (or hereto annexed), bearing date on the ———— day of ————, has (or have) acknowledged the same before me in my

State (or territory or district) aforesaid. Given under my hand this ———— day of ————.

Or upon the certificate of the clerk of any court of record in this State, or the clerk of any court out of this State and within the United States, that the said writing was proved as to him by two witnesses before such clerk or before the court of which he is clerk, or upon the certificate, under the official seal of any ambassador, minister plenipotentiary, minister resident, charge d'affaires, consul-general, consul, vice-consul, or commercial agent appointed by the government of the United States to any foreign country, or of the proper officer of any court of such country, or of the mayor or other chief magistrate of any city, town, or corporation therein, that the said writing was acknowledged by such person o-proved as to him by two witnesses before any person having such appoint ment, or before such court, mayor, or chief magistrate; and where any such writing purports to have been signed in behalf or by authority of any person or corporation, or in any representative capacity whatsoever, the certificate of the acknowledgment by the person so signing the said writing shall be sufficient for the purposes of this and the preceding section, and for the admission of said writing to record as to the person or corporation on whose behalf it is signed, or as to the representative character of the person so signing the same, as the case may be, without expressing that such acknowledgment was in behalf of or by authority of such other person or corporation, or was in a representative capacity. In the case of a writing signed in behalf or by authority of any person or corporation, or in any representative capacity, a certificate to the following effect shall be sufficient:

State (or territory or district) of ————, county (or corporation) of ————, to-wit: I, ————, a ———— (here insert the official title of the person certifying the acknowledgment in and for the State (or territory or district) and county (or corporation) aforesaid, do certify that ———— (here insert the name or names of the persons signing the writing on behalf of the person or corporation, or the name of the person signing the writing in a representative capacity), whose name (or names) is (or are) signed to the writing above, bearing date on the ———— day of ————, has (or have) acknowledged the same before me in my county (or corporation) aforesaid. Given under my hand this ———— day of ————.

And where authority is given in this or the preceding section to the clerk of a court in or out of this State, but within the United States, such authority may be exercised by his duly qualified deputy. 1869-70, p. 473, 1889-90, p. 44, 1895-6, p. 542, 1902-3, p. 750.

Substantial Compliance. The acknowledgment of a deed to entitle it to recordation, must be before the proper officers, and according to the form prescribed by law; and the certificate thereof in that form or to that effect, must be written upon or annexed to the deed. The certificate must contain all the requisites of such form, and no

omission can be supplied by parol evidence. But a substantial compliance is all that is required. *Hurst* v. *Leckie,* 97 Va. 550, 34 S. E. 458, 5 Va. L. R. 630; *Hockman* v. *McClanahan,* 87 Va. 33, 12 S. E. 230; *Iron Co.* v. *Robinson,* 88 Va. 116, 13 S. E. 350; *Hairston* v. *Randolph,* 12 Leigh, 445; *Langhorne* v. *Hobson,* 4 Leigh, 224; *Todd* v. *Baylor,* 4 Leigh, 498; *McClanahan* v. *Siter,* 2 Gratt. 293.

A certificate of acknowledgment that H. J. "whose name appears signed to the within deed, came this day before me, R. O. W., acting justice for said county, and acknowledged same to be his act and deed, and desired me to certify the same to the clerk of the county court of said county that it may be recorded," is a substantial compliance with the statute. *McCormack* v. *James,* 36 Fed. Rep. 14.

A certificate which identifies the subscriber, specifies the writing subscribed, states the capacity in which subscriber executes the deed, and certifies his acknowledgment thereof, is sufficient. *Banner* v. *Rosser,* 96 Va. 238, 31 S. E. 67. See *Bank* v. *Goddin,* 76 Va. 506.

Result of Defects. A variance between the date of the deed and the date of the deed as certified to by a justice before whom the deed was acknowledged, is not sufficient to invalidate the recordation of the deed, where the identity of the deed with the one mentioned in the certificate sufficiently appears from other parts of said certificate and the annexation to the deed. *Horsley* v. *Garth,* 2 Gratt. 474.

For article holding that certificate need not state *where* taken, see 4 Va. L. R. 342.

Where a deed executed by husband and wife is inoperative as to wife, because her acknowledgment was improperly taken, it is yet good to pass his interest in the property. *McClanahan* v. *Siter,* 2 Gratt. 280.

The fact that a deed of trust securing purchase money may not have been properly acknowledged and recorded will not affect the priority as between it and another trust deed, where the holder of the latter deed had actual knowledge of the existence of the former. *Building Assn.* v. *Blair,* 98 Va. 490, 36 S. E. 513.

Officer Before Whom Taken. It was formerly not essential that the official character of the person taking the acknowledgment should appear in the certificate. It was presumed that it was made before an officer having authority. *Harvey* v. *Borden,* 2 Wash. 156; *Ware* v. *Cary,* 2 Call, 263; *Langhorne* v. *Hobson,* 4 Leigh, 224. It

is otherwise under the present statute. *Hurst* v. *Leckie,* 97 Va. 562, 34 S. E. 468.

A deed is properly admitted to record upon the certificate of acknowledgment describing the officer taking it, as alderman of the city of New York, it being well known that justices of the peace in cities were at that time called aldermen. *Welles* v. *Cole,* 6 Gratt. 645.

Where a certificate of acknowledgment sets forth in the body thereof that the acknowledgment was made before A, a commissioner in chancery, and it is also subscribed by him as such officer, this description implies that he was a commissioner of a court of record, as there was no other commissioner in chancery in this state. *Hurst* v. *Leckie,* 97 Va. 550, 34 S. E. 468, 5 Va. L. R. 594, 630. For act validating certain acknowledgments taken by commissioners in chancery, see 1899-00, p. 851.

Under statute which provides for the appointment of deputy clerks of the ocunty court, who may discharge the duties of the clerk, a deputy clerk has authority to take acknowledgments of deeds. *Gate City* v. *Richmond,* 97 Va. 337, 33 S. E. 615, 5 Va. L. R. 391. The foregoing section now gives deputy expressed authority.

A grantee, trustee or a beneficiary under a deed cannot take an acknowledgment to it with a view to its registration. A recordation based upon such acknowledgment is without effect as notice under the registry laws. *Building Assn.* v. *Groves,* 96 Va. 138, 31 S. E. 23, 4 Va. L. R. 380; *Davis* v. *Beasley,* 75 Va. 491, 495; *Verneer* v. *Kurth,* 90 Va. 737, 19 S. E. 878; *Nicholson* v *Charity School,* 93 Va. 101, 105, 24 S. E. 899; *Raines* v. *Walker,* 77 Va. 92; *Bowden* v. *Parrish,* 86 Va. 67, 9 S. E. 616; *Corey* v. *Moore,* 86 Va. 721, 11 S. E. 114; *Barton* v. *Brent,* 87 Va. 385, 13 S. E. 29; *Hunton* v. *Wood,* 8 Va. L. R. 729. Compare *Building Assn.* v. *Blair* 98 Va. 490.

An acknowledgment made by parties to a deed before a notary who is one of the trustees named in the deed, is invalid, and the fact that the notary did not know that he was named as trustee, and as soon as he learned that fact refused to accept the trust, does not alter or remove the defect in the acknowledgment. *Building Assn.* v. *Groves,* 96 Va. 138, 31 S. E. 23, 4 Va. L. R. 380; *Bowdin* v. *Parish,* 86 Va. 67, 9 S. E. 616.

See 1899-00, p. 1247, validating acknowledgments taken before clerks who were trustees under deed.

Where a deed of trust to secure a debt to an eleemosynary corporation is acknowledged before an officer who is a member of that corporation, the fact that he is a member of that corporation does not invalidate the acknowledgment. *Nicholson* v. *Gloucester Charity School,* 93 Va. 101, 105, 24 S. E. 899.

See 1902-3-4, p. 829, validating acknowledgments made by certain officers who were trustees in the deeds.

As to acknowledgments taken before interested party, see 1 Va. L. R. 376.

A grantor who is clerk of a court cannot acknowledge the deed before himself for recordation, and if such a deed is recorded, it does not give notice to any one. *Davis* v. *Beazley,* 75 Va. 491; *Leftwich* v. *City of Richmond,* 100 Va. 164.

Where a petition to enforce a recorded deed of trust to "Fayette Mauzy," as trustee, showed that the deed was acknowledged before "F. Mauzy, Clerk," the question whether the deed was improperly admitted to record because of the identity of the trustee and the clerk, cannot be raised by demurrer, but it is a matter of defense by way of plea or answer. It will not be presumed that an officer was guilty of improper conduct. *Bell* v. *Wood,* 94 Va. 677, 27 S. E. 504.

In a trust deed, L. Triplett, Jr., was named as trustee. The certificate of acknowledgment began with "I, L. Triplett, Jr., a notary," etc., and signed "L. Triplett, N. P." Held, that it did not necessarily follow from this that the trustee in the deed and the notary taking the acknowledgment were the same person. *Corey* v. *Moore,* 86 Va. 721, 11 S. E. 117. This case distinguished from *Davis* v. *Beasley,* 75 Va. 491, and *Bowden* v. *Parrish,* 86 Va. 67, in that in those cases the bill charged directly that the acknowledgment of the deed was taken and certified by the trustee named therein; and the commissioner found this fact, and this question being raised in a proper manner, and within the proper time, the appellate court held the acknowledgment was invalid. While in the present case, the parties complaining, after being guilty of gross laches, and under circumstances which put them into the attitude of acquiescing in the assertion of rights adverse to them, then, after two years had elapsed from the commissioner's report, they, for the first time, complain, and present a case so defective that it could under no circumstances be entertained. *Corey* v. *Moore,* 86 Va. 721, 11 S. E. 119.

In case of deed made by non-resident it is sufficient for a recordation thereof, that there be a certificate of the clerk of a district court of the United States that the grantor personally appeared in court and acknowledged the deed; this being accompanied by a certificate of the judge of the court that the clerk was then the officer he professed to be. *Shutte* v. *Thompson,* 15 Wall. 151.

Objection made for the first time in appellate court. Where no objection is made in the pleading or in the court below to a deed of trust on the ground that it was void because the acknowledgments were taken before a notary who was agent for the grantee, it cannot be considered in the appellate court. *Shenandoah R. R. Co.* v. *Dunlop,* 86 Va. 349, 10 S. E. 239.

Impeaching Certificate. The act of an officer in taking an acknowledgment of a deed is judicial in its character, and cannot be impeached collaterally. He determines whether the person whose name is signed to the deed is the actual grantor, and whether he truly acknowledges same as his act and deed, and after these points have been determined and certified by him in conformity to law and the deed duly recorded, the proceeding has all the force and conclusiveness of a judgment of a court of record. It cannot be impeached even directly except in a court of equity, and not there except upon the ground of fraud or upon some other ground which reaches the conscience of the party. *Murrell* v. *Diggs,* 84 Va. 900, 6 S. E. 461; *Carper* v. *McDowell,* 5 Gratt. 212; *Harkins* v. *Forsyth,* 11 Leigh, 294; *Davis* v. *Beazley,* 75 Va. 491; *Bank* v. *Paul,* 75 Va. 594.

The certificate of a clerk of the acknowledgment of a deed in his office by the parties thereto is conclusive, and cannot be impeached by extrinsic evidence in a collateral proceeding, that the deed was in fact acknowledged out of the clerk's office. *Carper* v. *McDowell,* 5 Gratt. 212.

In the absence of fraud a notary's certificate of acknowledgment is deemed conclusive. *Burson* v. *Andes.* 83 Va. 445, 8 S. E. 249.

Validity Cannot be Questioned by Party Making Acknowledgment. A person who signs, seals and delivers an instrument as his deed will never be heard to question its validity upon the ground that it was never acknowledged by him, nor proved at the time of the delivery. It is the sealing and delivering that gives efficacy to the deed, not proof of the execution. And this principle applies to

all bonds, whether executed by public officers or private parties, unless, indeed, there is some statute making acknowledgment or proof in court essential to the validity of the instrument. *Board of Supervisors* v. *Dunn,* 27 Gratt. 616.

A deed of an uneducated deaf and dumb man, duly executed and acknowledged before a justice, cannot be set aside, where it was shown that the writing was explained to him and he was believed to understand it, and there was no fraud in the transaction. *Morrison* v. *Morrison,* 27 Gratt. 190.

A notary who takes an acknowledgment will not be permitted to falsify same. *Hockman* v. *McClanahan,* 87 Va. 33, 12 S. E. 230; *Bank* v. *Paul,* 75 Va. 601; *Harkins* v. *Forsythe,* 11 Leigh, 301; *Hairston* v. *Randolphs,* 12 Leigh, 459. See, also, note entitled "officer cannot contradict certificate" under next section.

Acknowledgment Not Necessary Between the Parties. A deed not acknowledged or not certified according to law, though actually admitted to record, cannot be read as evidence as a recorded deed, but is good between the parties. *Raines* v. *Walker,* 77 Va. 92.

Acknowledgment Not Conclusive. The acknowledgment of a deed before two justices by the grantor, and their certificate of acknowledgment, is not conclusive evidence that the execution of the deed is complete and perfect. *Hutchison* v. *Rust,* 2 Grat. 394.

Acknowledgments May be Complete Execution. Where a deed is acknowledged and certified to by the proper officers, by a grantor who retains possession of it, whether the acknowledgment is a complete execution of the deed depends upon the intention of the grantor at the time the acknowledgment was made; and his intention may be shown by evidence of statements made by him before the acknowledgment was taken. *Hutchinson* v. *Rust,* 2 Gratt. 394.

See 1901-2, p. 43, validating acknowledgments taken by officers whose term of office had expired.

See 1901-2, p. 147, requiring notaries to affix to the certificate the date of the expiration of their commission.

Certificate of acknowledgment to corporate instruments intended for registry. See 1 Va. L. R. 379.

For discussion of acknowledgments, see 2 Barton's C. Pr. (2 Ed.), p. 1023, *et seq.;* 2 Min. (4 Ed.), p. 953, *et seq.*

As to sufficiency of acknowledgments under ancient statutes, see *Jennings & Robinson* v. *Attorney General,* 4 H. & M. 424; *Miller* v.

Pendleton, 4 H. & M. 436; *Turner* v. *Stip,* 1 Wash. 412; *Lockridge* v. *Carlisle,* 2 Leigh, 186; *Roanes* v. *Archer,* 4 Leigh, 550; *Cales* v. *Miller,* 8 Gratt. 6; *Hassler* v. *King,* 9 Gratt. 120; *Smith* v. *Chapman,* 10 Gratt. 445; *Shue* v. *Turk,* 15 Gratt. 263.

Addendum.

The following digest of the statutes showing before whom acknowledgments might be taken at different periods will be useful in the examination of titles. It was prepared by M. P. Burks and is here printed by his courtesy.

BEFORE WHOM ACKNOWLEDGMENTS, TAKEN IN VIRGINIA, OF OTHERS THAN MARRIED WOMEN.

Code of 1860. (1) Before court in which deed to be recorded, or (2) the clerk thereof *in his office,* or on certificate of his acknowledgment before:

(1) A justice of the peace; (2) a notary public; (3) clerk of any county or corporation court in this State certifying that the writing was acknowledged before or proved as to him by two witnesses. It is presumed that this does not embrace clerk of the court in which the deed is to be recorded.

1867 February 2 (1866-7, p. 592). Commissioners in chancery inserted in forms, but not named as authorized.

1870 June 17 (1869-70, p. 173). Commissioners in chancery specifically authorized in addition to the above mentioned officers.

1888 May 1, Code 1887. Code adds to those who may certify acknowledgments "the said clerk" in whose office the deed is to be recorded. This acknowledgment is not required to be taken *in the office.*

1888 March 2 (1887-8, p. 425). Clerks of the circuit courts may take acknowledgments *in their offices.*

1890 February 10 (1889-90, p. 44). Deputy of county and corporation clerks are authorized to take acknowledgments, but no mention is made of circuit clerks or their deputies. The Acts of March 2, 1888, are probably not affected and their deputies may probably act under sec. 817 of Code.

1892 February 2 (1891-2, p. 233). Validates acknowledgments to deeds, &c., made by corporations where an acknowledgment is taken before a notary or other officer who is a stockholder. Held unconstitutional in *Merchants' Bank* v. *Ballou,* 98 Va. 112, as to

creditors affected by past acknowledgments. Same act authorizes such acknowledgments in the future.

1894 March 1 (1893-4, p. 580). Extends the last mentioned act to deeds made for the benefit of the corporation.

1896 February 28 (1895-6, p. 542). Extends the right to take acknowledgments to the clerk of *any court of record in this State*. The same act extends the authority of the clerk to his deputy, whether he be a clerk in or out of this State.

MARRIED WOMEN.

Code of 1860. (1) Before court in which deed to be recorded, or (2) the clerk thereof in his office, or on the certificate of (1) two justices present together; (2) a notary public.

1867 February 2 (1866-7, p. 592). Struck out *one* and inserted *two* notaries public; also p. 594, prohibited deputy clerks from taking acknowledgments of married women.

1870 June 17 (1869-70, p. 174). Reduced number of notaries to *one* and also added commissioners in chancery.

1872 February 30 (1871-2, p. 31). Allowed deputy clerk to take acknowledgment if especially authorized by the court consenting to their appointment.

1872 March 14 (1871-2, p. 251). Repealed sec. 8, chap. 163, Code of 1860, and authorized deputies to discharge all duties of their principals unless otherwise provided by law.

1873 February 5 (1872-3, p. 37). Permits clerks in whose office writing is recorded to take the acknowledgment at any place within the county or corporation.

1888 May 1 (Code 1887) Privy examinations abolished and married women's acknowledgments placed on same footing as men's. All further changes are noted under the general head.

Note. By Act of February 29, 1892 (1891-2, p. 798), certain prior defective acknowledgments are cured after grantee has been in possession ten years, but two years allowed married women to assert their rights.

OTHERS THAN MARRIED WOMEN OUT OF VIRGINIA BUT WITHIN UNITED STATES.

Code of 1860. (1) A justice; (2) a notary public; (3) a commissioner appointed by the governor of this State; (4) clerk of any court. Does not say of any court of record.

1867 February 2 (1866-7, p. 592). Commissioners in chancery are put in form, but not specifically authorized.

1870 June 17 (1869-70, p. 173). Specifically authorized commissioners in chancery of a court of record.

1896 February 28 (1895-6, p. 542). Expressly extends the authority of clerks out of this State to their deputies.

MARRIED WOMEN OUT OF VIRGINIA BUT WITHIN UNITED STATES.

Code of 1860. (1) Two justices; (2) a notary public; (3) a commissioner appointed by the governor.

1867 February 2 (1867, p. 592). Struck out *one* and inserted two notaries.

1870 June 17 (1869-70, p. 172). Notaries reduced to one. Commissioner in chancery added.

OTHER THAN MARRIED WOMEN OUT OF THE UNITED STATES.

Code of 1860. Upon a certificate under the official seal of any minister, plenipotentiary, charge d' affaires, consul, consul general, vice-consul, or commercial agent appointed by the government of the United States to any foreign country, or of the proper officer of any court of such country, or mayor or other chief magistrate of any city, town or corporation, therein, that said writing was acknowledged by such person or approved as to him by two witnesses.

MARRIED WOMEN OUT OF UNITED STATES.

Same as men except that instead of using the words "the proper officer of any court of such country" the language is "before any court of such country."

For earlier acts concerning acknowledgments, see:

Code 1819, ch. 99, secs. 1, 5, 7, 15, 16.
Acts 1821-2, ch. 23.
Acts 1827-8, ch. 28, secs. 1 and 2.
Acts 1840-1, ch. 65, sec. 1.
Acts 1843-4, ch. 67, secs. 1 and 7.
Code 1849, ch. 121, secs. 2, 3, 4.
Acts 1861-2 (Wheeling), ch. 9, p. 7.

JOHN GARLAND POLLARD.

Richmond, Va.